

From: Derek Kent
To: Microsoft ATR
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Subject: MS Antitrust Settlement Suggestions

There are a few very important steps that I feel should be adopted in any settlement or ruling in the Microsoft antitrust trial.

1) Force open every API Microsoft owns now, and in the future for at least 20 years. An API is an Application Programming Interface. Having an open API is very commonplace and Microsoft is one of the few companies in the world their close most of theirs. Forcing open Microsoft's APIs would allow other developers to compete with Microsoft software on the Windows platform and create some competition for products like Microsoft Office which haven't seen competition for far too long. Equivalent products could easily be released for under \$100, and because of how important Office has become for many consumers and businesses, this would be enormously beneficial for consumers.

2) Fine Microsoft heavily. One of the large reasons Microsoft is able to kill companies like Netscape is because it has a huge cash reserve that allow it to price products in ranges that competitors simply can't survive at. Of course Microsoft looks to make a profit off of the software after it has become the standard and has no competition. A large portion of this fine should be divided up among companies that produce products that compete directly with Microsoft and should be enforced to be used for research and development of those or similar products that either compete directly or are related to products that compete directly. A fine of no less than \$15 billion is advisable (Microsoft has a cash hoard of over \$30 billion). Companies that should receive a share of this include Apple Computer, Sun Microsystems, Red Hat (and other distributors of Linux), IBM, a number of small open source projects such as Sourceforge.net, AOL, and The Omni Group to name a few. This money could also be offered to developers to be used to bring or continue to develop software for Operating Systems besides Windows, such as the Macintosh and Linux. In addition to this point, Microsoft should be required to continue to support and develop any software it currently makes for alternate Operating Systems to Windows for at least 6 years.

3) A breakup of Microsoft as suggested by Judge Jackson would be most effective combined with the above two solutions. It would strongly advisable, although not entirely necessary.

4) Obviously a number of other solutions are also needed in conjunction with the above, although I'll leave those up to others to propose. The above suggestions focus heavily on restoring competition as quickly and fairly as possible into the computer industry across a broad range of areas to best benefit consumers. However, obviously additional remedies

are needed to ensure Microsoft stops (as it is still continuing to) breaking antitrust laws and competes fairly in the marketplace not simply for a short period of time. Many of Microsoft's licensing practices need to be examined and changed, as well as monitored in the future by a third party. Etc. Etc.

Basically, 3 things need to be targeted:

- 1) Competition needs to be restored (points 1 and 2 that I make, others are also possible)
- 2) Competition needs to be ensured
- 3) and Microsoft's business practices need to be monitored for unfair business practices similar to the way IBM's were

Cheers,
Dak